

March 14, 2023

Hon. Jamie Becker-Finn, Chair
Judiciary Finance and Civil Law Committee
Minnesota House of Representatives
559 State Office Building
St. Paul, MN 55155

Re: HF 1275 Excavation Notice Reporting

Dear Chair Becker-Finn,

On behalf of the Minnesota Cable Communications Association and the Minnesota Telecom Alliance, we write to you to express our hopes for improving HF1275, which makes changes to Minnesota's "call before you dig" or Gopher State One Call (GSOC) system. Minnesota is currently on a quest to meet its state broadband deployment goal set by the Legislature— that is for Minnesota to have achieved universal broadband service for every home and business by 2026. Hundreds of millions of dollars in private, federal and state funding are being directed at that effort. To achieve the goal of universal broadband service, Minnesota must ensure these funds are efficiently used toward achieving that goal.

Before an excavator can dig in the ground, it must request through GSOC that all owners of underground facilities in the area physically mark the location of their facilities in the area to be excavated. Unfortunately, a small number of excavators are abusing the GSOC system by submitting locate request tickets to GSOC designating vast areas, sometimes miles long, which take significant time and resources to mark, and which the excavators have no intention of excavating in the designated fourteen-day window during which a locate request is valid. In its current form, HF1275, while making modest improvements to the GSOC system, misses a golden opportunity to eliminate this substantial source of waste and inefficiency in underground construction.

When a ticket to mark underground facility locations is entered into the GSOC system, facility owners have 48 hours to mark the location of all underground facilities located within the area designated in the ticket. Each locate request is valid for 14 days. If an excavator has no intention or reasonable possibility of starting and finishing the excavation within 14 days, the excavator suffers no consequence by submitting such frivolous requests. But the consequences for our members and the public interest are severe. Marking huge areas which are not going to be excavated within 14 days is time consuming and costly. The areas not excavated often are called in to the GSOC system again. One locating vendor reported that on one occasion the same area was submitted for locates 45 different times, and on the last occasion the locator's employee was struck by a vehicle – for a locate that wasn't needed! To make matters worse,

the Office of Pipeline Safety (OPS) may fine our members for failing to mark the entire area within 48 hours.

To ensure that excavators actually intend to excavate the areas designated in the tickets they submit in the GSOC system, we are supporting an amendment to HF1275 prohibiting an excavator from submitting a ticket if it does not intend to excavate the designated area within 14 days, or if excavation of the designated area cannot reasonably be completed within 14 days. The amendment would also prohibit OPS from fining owners of underground facilities for late locates on frivolously submitted tickets. For the information sought in this bill to be useful in assessing and improving the system, this problem of bad faith locates must be addressed.

Minnesota is on the cusp of receiving extraordinary levels of federal broadband funding to meet the Minnesota's 2026 broadband goal. Without addressing the problem of bad faith locate requests, millions of dollars that should be used for broadband deployment will instead be wasted on unnecessary locates and challenging (or simply paying) OPS fines for "late" locates on those unnecessary requests.

MCCA & MTA thanks the committee for your time and attention to this issue, and encourage your support for the amendment addressing this serious impediment to broadband deployment. We thank Rep. Kraft, the Minnesota Department of Public Safety, and the Office of Pipeline Safety for their work on the bill to make GSOC work better and safer for everyone.

Respectfully,

Anna Boroff
Executive Director, Minnesota Cable

Brent Christensen
President, Minnesota Telecom Alliance